



City of Seattle

## **Prosecution Plan**

### **Introduction**

Since the late 1970s and early 1980s, mandatory arrest and pro-prosecution policies have been part of the criminal justice system response to Domestic Violence all over the country. In Seattle, the City Attorney's Office created the Battered Women's Project in 1978, followed by the Family Violence Project, culminating in 1995 with the Seattle City Attorney's Domestic Violence Unit (SCADVU), which combined advocates and prosecutors into one organization to work together on prosecution of batterers and support and advocacy for victims. The Unit's mission is to provide support, assistance and protection for victims of domestic violence, while holding batterers accountable. Our goal is to act in the best interest of the victim, and the community to prevent further acts of violence. Prosecutors will continue to make the decision as to when to prosecute a case and will promote public awareness that domestic violence is not acceptable in our society. We will do everything we can to empower the victim, while realizing that domestic violence is a complex matter not amenable to simple solutions. The unifying theme of our approach to domestic violence is the recognition that every victim is unique. There is no "one-size-fits-all" approach to domestic violence prosecution that will work in every case. To implement this policy and approach, the Seattle City Attorney's Domestic Violence Unit staff initiated a process to address most of the topics set forth in the Fall 2003 policy statement involving domestic violence prosecution. The Unit divided into small groups to work on recommendations and implementation.

### **Changes**

#### **Victim Safety Inventory**

We have developed a victim safety inventory to assess risk to the victim, to assist with safety planning, and allow us to consider risk in our decision about whether to file. Advocates and prosecutors will discuss the information gained from the risk assessment to decide whether to file the case. Risk assessment will also guide our decision to designate a defendant as a High Risk Offender (HRO) and apply HRO special protocols.

#### **High Risk Offenders**

Over the years we have seen a particular group of batterers that we are calling High Risk Offenders (HRO) who require additional attention from the criminal justice system. We will evaluate every case or defendant referred for domestic violence charges to decide whether these individuals deserve the application of additional resources and different procedures. Some of the factors we will consider include such lethality indicators as use of weapon, escalating amount and type of violence, use of violence in public, enhanced vulnerability of the victim, use of drugs/alcohol during the incident or access to firearms should be considered high-risk offenders. A criminal history of prior convictions for felony domestic violence assaults, sexual assault, use of weapons, felony gang activity within the last five years, or four or more prior events regardless of outcome, would also be considered for High Risk Offender designation. In HRO cases we will implement procedures and strategies, including working with SPD and Court Probation Services to maximize our ability to prosecute HRO cases and seek substantial jail sentences in most cases.

We have designed a short checklist to document the designation. Our challenge is to balance the need to include defendants who really need this designation, and their victims who need the additional attention, against the resource constraints that face our office. Prosecutor and advocate discussion will be critical in HRO designation. As with all domestic violence prosecutions, we hope to enhance victim safety, hold batterers accountable, punish crimes, and deter serious crimes involving domestic violence in



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our community. With this program, we hope to target resources to hold accountable the domestic violence offenders who are the most likely to re-offend, to offend seriously, and to risk the lives of their victims and children. We want to provide the greatest possible resources to victims whose perpetrators fall into this category, and reduce the level of violence with which they live. We also hope to reduce recidivism and persuade serious and habitual batterers that there are serious and sure consequences for their conduct; we want them to end the violence, take advantage of resources or treatment, or be unable to continue to perpetrate the violence because they are in jail. We also want to determine through our efforts, whether this level of targeted resources can make a difference and give the victims of these perpetrators the opportunity to experience safety and support in a way that perhaps they have not been able to in the past.

### **Firearms:**

We have adopted a protocol for training prosecutors to seek removal of firearms from defendants.

### **Reviews and sentencing**

We have adopted and will be implementing new standardized probation revocation guidelines. Our goal is to have a standardized office policy for recommendations in cases of probation violations. We also are working on new disposition standards office-wide. Domestic violence recommendations will be part of this new protocol.

### **Bail Schedule**

We drafted a bail schedule guideline document to standardize the recommendations we make when filing cases. HRO defendants will always have a bail recommendation of \$15,000 or above.

### **No Contact Orders**

We will apply our policy of looking to the best interest of the victim in deciding whether to seek a no contact or to oppose lifting a no contact order. Risk assessment will play a major role in this case by case analysis.

### **Recent Developments**

Future working groups will flesh out policies involving trial policy, plea policy, and dismissal policy. The CAO will continue and finalize the work begun on drafting written decline policies and procedures as well as publishing filing and dispositional guidelines in domestic violence cases. In addition, it is important to work on our role with respect to community advocates and how our working together promotes victim support, safety and change. Also we want to work with SPD regarding follow-up and investigation issues, and with the King County Prosecutors Office about enhancing movement of cases between our offices. Additionally, the Seattle Municipal Court (and our office) has created a Domestic Violence Court, which will impact our policies and protocols as well. In developing and strengthening ties with community advocates, care will be given to honor and protect the confidentiality of the community advocacy role in working with victims of domestic violence.

**Cross Reference of Other Strategic Issues:** Advocacy and Victim Services, Firearms, Investigation, Sanctions, and Special Populations.